

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Late Application of:

Marilyn C. Olson-Munoz

Group No.:

Serial No.:

10/564,136

Examiner:

Filed:

01/10/2006

Entitled:

Assays for the Direct Measurement of Gene Dosage

**RESPONSE TO NOTIFICATION OF
DEFECTIVE RESPONSE****MAIL STOP MISSING PARTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

CERTIFICATE OF MAILING UNDER 37 CFR § 1.8(a)(1)(i)(A)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Missing Parts**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: December 15, 2006

By: _____

Jennifer B. Xistris

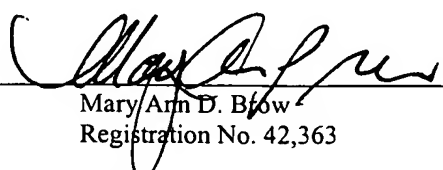
Sir or Madam:

In response to the **Notification of Defective Response** mailed 11/15/2006, regarding the **Notice To File Missing Parts Of Nonprovisional Application – Filing Date Granted** (Form PTO-1533, mailed 5/16/06), applicant(s) submit(s) the following documents:

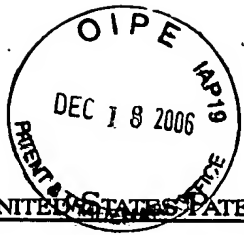
- Executed Declaration or Oath (Signature of Tenth Inventor LuAnne Chehak);
- An Assignment document for recording, whereby the subject application and the invention disclosed therein is assigned to: Third Wave Technologies; and a Recordation Form Cover Sheet – Patents Only (Form PTO-1595);
- Substitute computer readable form (CRF) copy of the Sequence Listing on computer-readable diskette;
- Certificate Re: Sequence Listing

Enclosed please find a check in the amount of **\$40.00** to cover the fee for filing an Assignment.

The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s), and/or credit any overpayment, to Deposit Account No. 08-1290. An originally executed duplicate of this transmittal is enclosed for this purpose.

Date: December 15, 2006
Mary Ann D. Blow
Registration No. 42,363

MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105
608/218-6900



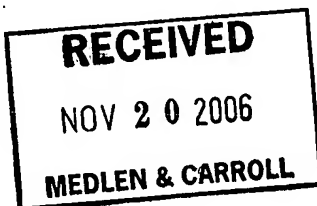
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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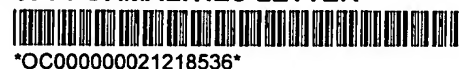
MAD

U.S. APPLICATION NUMBER NO. 10/564,136	FIRST NAMED APPLICANT Marilyn C. Olson-Munoz	ATTY. DOCKET NO. FORS-10718
INTERNATIONAL APPLICATION NO. PCT/US04/22014		
I.A. FILING DATE 07/09/2004		PRIORITY DATE 07/10/2003

23535
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 101 HOWARD STREET
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 SAN FRANCISCO, CA 94105



CONFIRMATION NO. 6116
 371 FORMALITIES LETTER



OC000000021218536

Date Mailed: 11/15/2006

*Resp. 12/15/06
 (absolute
 deadline) r.w*

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 01/10/2006
- Copy of the International Search Report filed on 02/24/2006
- Preliminary Amendments filed on 09/15/2006
- Biochemical Sequence Diskette filed on 09/15/2006
- Oath or Declaration filed on 09/15/2006
- Biochemical Sequence Listing filed on 09/15/2006
- U.S. Basic National Fees filed on 01/10/2006
- Priority Documents filed on 01/10/2006
- Power of Attorney filed on 09/15/2006

Applicant's response filed 09/15/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 05/16/2006 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - Signature of the tenth inventor LuAnne Chehak is missing from the declaration filed on Sep 15, 2006.
- The paper or compact disc copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e). Applicant must provide a substitute paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application OR a substitute computer readable form (CRF) copy of the "Sequence Listing". These two items must be the same. Applicant must also provide a statement that the content of the

sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/564,136	PCT/US04/22014	FORS-10718